

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

MAR 16 2020

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Sergio ANAYA MOLINA

MXCTZ 400:1976

Case No. 11-20-0732-M

Defendant(s)

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 23, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841 (a) (1)

Offense Description

Knowingly and intentionally possess with intent to distribute 14.07 kilograms
of cocaine, a schedule II controlled substance

This criminal complaint is based on these facts:

See Amended Attachment

☒ Continued on the attached sheet.

Approved for filing
per report 3/16/2020

Complainant's signature

Luis Rosales, DEA Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 16, 2020
5:16 pm

City and state:

McAllen, Texas

Judge's signature

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

AMENDED ATTACHMENT
ANAYA, Sergio

On Tuesday, April 23, 2019 DEA Special Agents (SAs) established surveillance at Cesar Alexis HERRERA-FLORES' (hereafter HERRERA) residence located at 541 6 ½ Street in Alamo, Texas. At approximately 3:40 p.m., Agents observed a red Volkswagen Jetta, bearing TX license plate KCF-3156 (hereafter TARGET VEHICLE #1) arrive at the residence. A single male subject, HERRERA, exited the driver side of TARGET VEHICLE #1 and entered the residence. Approximately five minutes later, Agents observed HERRERA exit the residence and re-enter TARGET VEHICLE #1 and depart the residence.

Agents maintained surveillance of the TARGET VEHICLE #1 and observed TARGET VEHICLE #1 arrive at a Dollar General store, located at 4215 North FM 493 in Donna, TX, at approximately 4:03 p.m. Agents observe the TARGET VEHICLE #1 park facing east and observed that HERRERA appeared to be talking on a cellular phone.

At approximately 4:09 p.m., Agents observed a white Nissan Sentra, bearing Texas license plate KJN-9222 arrive in the same parking lot and park directly next to TARGET VEHICLE #1. Agents observed HERRERA exit the driver side door of TARGET VEHICLE #1 and position himself in between both vehicles. HERRERA then opened the rear driver side door of TARGET VEHICLE #1 and the rear passenger side door of the white Nissan Sentra. Agents observed HERRERA reach into the back seat of TARGET VEHICLE #1 and observed him transfer two medium-sized black boxes into the back seat of the white Nissan Sentra (hereafter TARGET VEHICLE #2).

At approximately 4:12 p.m., Agents observed both TARGET VEHICLE #1 and TARGET VEHICLE #2 depart the Dollar General parking lot. TARGET VEHICLE #1 drove southbound on FM 493 and D-82 agents terminated surveillance on it. Agents then observed TARGET VEHICLE #2 drive northbound on FM 493 and D-82 agents initiated mobile surveillance on it. Agents maintained surveillance of TARGET VEHICLE #2 and observed it arrive at a second Dollar General store located at 7900 North FM 493 in Donna, TX. Agents observed TARGET VEHICLE #2 park on the northeast side of the Dollar General building. Agents observed an older Hispanic male subject wearing a multicolored shirt and red cap, later identified as Sergio ANAYA, exit the TARGET VEHICLE #2 and walk into the Dollar General.

Agents conducted foot surveillance inside the Dollar General and observed ANAYA walk in and out of the store multiple times and observed that ANAYA appeared to be looking around repeatedly.

At approximately 4:30 p.m., Agents observed ANAYA enter the driver's seat of the TARGET VEHICLE #2 and remain stationary. At approximately 5:03 p.m., Agents observed a silver Volkswagen SUV (hereafter TARGET VEHICLE #3), bearing Texas license plate LCJ- 1891, park next to the TARGET VEHICLE #2. Agents observed both ANAYA and the driver of TARGET VEHICLE #3 exit their vehicles and together went inside the Dollar General store. Agents observed that the driver of TARGET VEHICLE #3, later identified as Geronimo John GONZALEZ-Moreno (hereafter GONZALEZ), appeared to be a young Hispanic male wearing a white t-shirt and blue jeans.

At approximately 5:10 p.m., Agents observed both ANAYA and GONZALEZ exit the Dollar General and switch vehicles. Agents observed TARGET VEHICLE #3 exit the Dollar General

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parking lot and drive northbound on FM 493 and observed TARGET VEHICLE #2 drive southbound.

At approximately 5:12 p.m., Agents observed TARGET VEHICLE #2 pull into the driveway of a residence located at 6205 North FM 493 in Donna, TX. Agents drove past the residence and observed a Hispanic male subject in a blue t-shirt, later identified as Mauro Lazaro ORTIZ, open the front gate to the property. Agents observed the TARGET VEHICLE #2 drive into the property and observed GONZALEZ exit the TARGET VEHICLE #2. Agents drove past the residence again and observed TARGET VEHICLE #2 parked in the garage area, facing FM 493, and observed that the garage door was open. Agents observed GONZALEZ speaking with another male subject, later identified as Pedro ALVAREZ Jr., while standing next to the driver's side door of TARGET VEHICLE #2. At approximately 5:16 p.m., Agents observed TARGET VEHICLE #2 depart the residence and drive northbound on FM 493. Agents observed TARGET VEHICLE #2 conduct a U-turn and drive southbound on FM 493. Agents observed the TARGET VEHICLE #2 turn westbound onto Mile 15.

At approximately 5:19 p.m., Hidalgo Constable found probable cause to stop the TARGET VEHICLE #3 and conducted a traffic stop. The driver was identified as Sergio ANAYA and was subsequently released.

At approximately 5:28 p.m., Texas Department of Public Safety (DPS) State Trooper found probable cause and conducted a traffic stop on the TARGET VEHICLE #2. The driver was identified as Geronimo John GONZALEZ-Moreno. Agents approached GONZALEZ and engaged in conversation. GONZALEZ stated that he was on his way to his "compadre's" house and had just recently left the Dollar General store. Agents asked GONZALEZ if he had come from a house and GONZALEZ repeated that he had just left the Dollar General and denied that he had visited a house prior to the traffic stop. GONZALEZ was subsequently detained.

At approximately 5:39 p.m., Agents approached the residence where TARGET VEHICLE #2 had gone to. Agents made contact with the owner of the residence who identified herself as Norma Lisa BARRERA. Also at the residence was BARRERA's oldest son, Pedro ALVAREZ Jr, and several other children. At approximately 6:00 p.m. Agents obtained verbal consent from BARRERA to search her residence.

Agents made contact with the older Hispanic male subject in the blue t-shirt who was identified as Mauro Lazaro ORTIZ (hereafter ORTIZ). Agents asked ORTIZ what he had seen in the last hour and ORTIZ advised Agents that he (ORTIZ) was standing in the front yard working outside when a car pulled up into the driveway. ORTIZ stated that the driver told him (ORTIZ) to open the front gate and he (ORTIZ) opened it. ORTIZ stated that the male subject (GONZALEZ) drove the vehicle into the property and parked outside the garage area. ORTIZ stated that the male subject (GONZALEZ) asked him (ORTIZ) for help in unloading some speakers from the vehicle into the garage. ORTIZ stated that he agreed and that they (ORTIZ and GONZALEZ) each grabbed one. ORTIZ stated that the guy (GONZALEZ) opened and closed the garage and that after he (ORTIZ) unloaded the boxes he (ORTIZ) went to the backyard. Agents asked ORTIZ if he had ever seen the male subject (GONZALEZ) and ORTIZ stated "no".

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At approximately 6:10 p.m., Agents observed two black speaker boxes in the back of the garage, next to the washing machine. At approximately 6:15 p.m., a Pharr Police Department narcotic canine (K-9) Officer deployed his K-9 "Logan" and conducted an open air sniff around the two black speaker boxes. K-9 "Logan" gave a positive indication to presence of narcotic odor emitting from the two speaker boxes.

At approximately 7:00 p.m., the two black speaker boxes were placed into Texas DPS Trooper's patrol unit. The Trooper transported the two speaker boxes and GONZALEZ to the DEA office in McAllen, TX. At the office, Agents opened the two speaker boxes and extracted approximately 17.30 kilograms of a white substance, contained in eight packages wrapped in clear cellophane. Agents notated that the total weighed the eight packages containing a white powder substance was approximately 17.30 kilograms. On the same date, Agents sealed the eight packages per DEA policy and labeled it as drug evidence Exhibit 20, pending submission to the DEA drug analysis laboratory.

On or about September 11, 2019, DEA chemists analyzed drug Exhibit 20 and determined that the narcotic was cocaine and not methamphetamine. Chemists notated the net weight of the narcotic in Exhibit 20 was 14.07 kilograms.